

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GUY ARBUCKLE,

Plaintiff,

v.

TOWN OF SANBORN,

Defendant.

OPINION & ORDER

18-cv-611-jdp

Plaintiff Guy Arbuckle is a member of the Bad River Band of Lake Superior Chippewa Indians Tribe and the owner of real property in the Town of Sanford in Ashland County. Arbuckle filed suit against defendant Town of Sanborn in Wisconsin court, alleging that defendant illegally assessed taxes against his property in violation of an 1854 treaty between the tribe's predecessor and the United States government. Dkt. 1-1. Arbuckle's suit was one of 42 separate, nearly-identical suits filed by different members of the tribe against defendant. Defendant removed Arbuckle's suit, along with the other 41 suits, to federal court.

Under Federal Rule of Civil Procedure 42, the court may consolidate any actions that involve a common question of law or fact. That is clearly the case here. The resolution of all 42 cases hinges on the interpretation of the 1854 treaty. The plaintiffs in each case have filed the same complaint—the only exception being the plaintiffs' names and the identification of the taxed properties. Defendant has filed the same answer in all 42 cases, along with 42 nearly identical notices of removal. The court sees no practical difficulties weighing against consolidation. The same counsel represents the parties in each case. Any differences between the plaintiffs, such as individual proof of tribal enrollment and the amount of tax assessed

would be immaterial to resolution of the central question. The efficiency gained by consolidating the cases is significant.

A copy of this order will be published to the dockets of the other cases.

ORDER

IT IS ORDERED that:

1. The following cases are consolidated for all purposes:

- 18-cv-611
- 18-cv-612
- 18-cv-613
- 18-cv-614
- 18-cv-615
- 18-cv-616
- 18-cv-617
- 18-cv-618
- 18-cv-619
- 18-cv-620
- 18-cv-621
- 18-cv-622
- 18-cv-623
- 18-cv-625
- 18-cv-626
- 18-cv-627
- 18-cv-628
- 18-cv-629
- 18-cv-630
- 18-cv-631
- 18-cv-632

- 18-cv-633
- 18-cv-634
- 18-cv-635
- 18-cv-636
- 18-cv-637
- 18-cv-638
- 18-cv-639
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- 18-cv-652
- 18-cv-653

2. All future filings must be made in Case No. 18-cv-611.

Entered August 16, 2018.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge